

12/20/2005 12:54 FAX 5106373507

Case 4:05-cr-00578-MJJ

FED PUBLIC DEFENDER

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Filed 12/20/2005

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANDRE HUDSON,

16 Defendants.  
17

No. CR 05-00578 MJJ

STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME FROM  
DECEMBER 16, 2005 TO DECEMBER 21,  
2005 FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(b)(8)(A))

18  
19 With the agreement of the parties, and with the consent of the defendants, the Court  
20 enters this order setting the following schedule for filing motions in this matter. Motions shall be  
21 filed by December 21, 2005; oppositions shall be filed by January 6, 2006; any reply shall be  
22 filed by January 13, 2006. A hearing on the motions will be held before the Honorable Martin J.  
23 Jenkins at 2:30 p.m. on January 20, 2006. In addition, time shall be excluded under the Speedy  
24 Trial Act, 18 U.S.C. § 3161(b), from December 16, 2005 to December 21, 2005. The parties  
25 agree, and the Court finds and holds, as follows:

26 1. The defendant is out of custody.

27 2. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon  
28 defense counsel's need to conduct additional research and review the discovery provided in this

1 matter in order to prepare to file motions in this case.

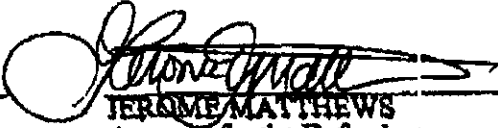
2 3. Counsel for the defense believes that the exclusion of time is in his client's best  
3 interest.

4 4. Given these circumstances, the Court finds that the ends of justice served by excluding  
5 the period from December 16, 2005 to December 21, 2005, outweigh the best interest of the  
6 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(3)(A).

7 5. Accordingly, and with the consent of the defendant, the Court (1) orders that any  
8 motions in this case shall be filed by December 21, 2005; oppositions shall be filed by January 6,  
9 2006; and any replies shall be filed by December 13, 2006; (2) orders that an appearance for  
10 hearing on the motions before the Honorable Martin J. Jenkins shall be held on January 20, 2006  
11 at 2:30 p.m.; and (3) orders that the period from December 16, 2005 to December 21, 2005 be  
12 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(3)(A) & (B)(iv).

13  
14 STIPULATED:

15  
16 DATED: 12/20/05

  
JEROME MATTHEWS  
Attorney for the Defendant:

17  
18  
19 DATED: 12-19-05

  
KIRSTIN M. AULT  
Assistant United States Attorney

20  
21 IT IS SO ORDERED.

22  
23 DATED: 12/20/2005

  
MARTIN J. JENKINS  
United States District Judge